
STATUTORY RULES OF NORTHERN IRELAND

2007 No. 199

The Products of Animal Origin (Third Country Imports) Regulations (Northern Ireland) 2007

PART 1 **N.I.**

Introduction

Citation and commencement **N.I.**

1. These Regulations may be cited as the Products of Animal Origin (Third Country Imports) Regulations (Northern Ireland) 2007 and shall come into operation on 13 April 2007.

Interpretation **N.I.**

2.—(1) In these Regulations—

“the Agency” means the Food Standards Agency;

“the Animal By-Products Regulations” means the Animal By-Products Regulations (Northern Ireland) 2003⁽¹⁾;

“Article 9 product” means a product from a third country which is first brought into the relevant territories at one border inspection post but is intended for import via another, as described (in relation to consignments) in Article 9(1) of Directive 97/78/EC, whether or not the product is transhipped or unloaded at the first border inspection post;

“authorised officer” means a person who is authorised by the Department, a district council, or the Agency either generally or specially, to act in matters arising under these Regulations, whether or not he is an officer of the Department, a district council or the Agency;

“border inspection post” means—

- (a) a border inspection post which is included in the list contained in the Annex to Commission Decision 2001/881/EC⁽²⁾; or
- (b) a border inspection post in the Republic of Iceland or the Kingdom of Norway which is included in the list contained in the Annex to Decision No. 86/02/COL of the EFTA Surveillance Authority⁽³⁾;

“border inspection post of destination” means the border inspection post via which an Article 9 product is intended for import;

“border inspection post of introduction” means the border inspection post at which an Article 9 product is first brought into the relevant territories;

⁽¹⁾ S.R. 2003 No. 495

⁽²⁾ O.J. No. L326, 11.12.2001, p.44 as last amended by Commission Decision 2005/485/EC (O.J. No. L181, 13.07.2005, p.1)

⁽³⁾ O.J. No. L69, 13.3.2003, p.31

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to *The Products of Animal Origin (Third Country Imports) Regulations (Northern Ireland) 2007*. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

“carrier who has charge for the time being” of a product, consignment or part of a consignment includes the driver of any vehicle, the pilot of any aircraft and the master of any vessel (but not the driver of any train) transporting the same;

“the Commissioners” means the Commissioners for Her Majesty’s Revenue and Customs;

“common veterinary entry document” means a document in the form set out in Annex III to Regulation (EC) No. 136/2004 (laying down procedures for Veterinary checks at Community border inspection posts on products imported from third countries)(4);

“Community establishment of origin” means the premises located in a member State at which a returned product attained the form in which it was originally exported from the relevant territories;

“consignment” means a quantity of products of the same type covered by the same veterinary certificate or veterinary document, or other document provided for by veterinary legislation, conveyed by the same means of transport and coming from the same third country or part of a third country;

“the Customs Code” means Council Regulation (EEC) No. 2913/92 establishing the Community Customs Code(5);

“the customs territory of the Community” has the same meaning as in Article 3 of the Customs Code;

“customs warehouse” means a warehouse which fulfils the conditions of Articles 98 to 113 of the Customs Code, in which goods are stored subject to the customs warehousing procedure referred to in those Articles;

“Decision 2001/881/EC” means Commission Decision 2001/881/EC (drawing up a list of border inspection posts agreed for veterinary checks on animals and animal products from third countries and updating the detailed rules concerning the checks to be carried out by the experts of the Commission)(6);

“the Department” means the Department of Agriculture and Rural Development;

“destination establishment” in relation to a product, means the establishment identified in the “delivery address” entry in part 1 of the common veterinary entry document;

“Directive 97/78/EC” means Council Directive 97/78/EC laying down the principles governing the organisation of veterinary checks on products entering the Community from third countries(7);

“document” includes information kept by electronic means;

“documentary check” means the examination of the veterinary certificates or veterinary documents or other documents accompanying a consignment, carried out in accordance with Article 4(3) of Directive 97/78/EC and Annex I to Regulation (EC) No. 136/2004;

“fishery products” means all wild or farmed seawater and freshwater animals, whether or not live, and all edible forms, parts and products of such animals, including—

- (a) aquaculture animals and aquaculture products as defined in Article 2 of Council Directive 91/67/EEC concerning the animal health conditions governing the placing on the market of aquaculture animals and products(8);
- (b) filter-feeding lamellibranch molluscs; and

(4) O.J. No.L136,22.01.2004, p.11

(5) O.J. No. L302, 19.10.92, p.1, as last amended by Council Regulation (EC) 648/2005 (O.J. No. L117, 04.05.2005, p. 13)

(6) O.J. No.L326, 11.12.2001, p.44, as last amended by Commission Decision 2006/414/EC (O.J. No.L164, 16.6.2006, p.27)

(7) O.J. No. L24, 30.1.98, p.9, as last amended by Regulation (EC) No.882/2004 of the European Parliament and of the Council (see Corrigendum O.J. No.L191, 28.5.2004, p.1)

(8) O.J. No. L46, 19.2.91, p.1, as last amended by Council Regulation (EC) No. 806/2003 (O.J. No. L122, 16.5.2003, p.1)

(c) echinoderms, tunicates and marine gastropods intended for human consumption; but excludes aquatic mammals, reptiles and frogs and parts thereof;

“free warehouse” and “free zone” have the same meanings as in Title IV, Chapter 3, Section 1 of the Customs Code;

“hay” means any grass, clover, lucerne or sainfoin which has been dried either naturally or artificially, and includes any product which is obtained by so drying any grass, clover, lucerne or sainfoin;

“identity check” means a check by visual inspection to ensure that the veterinary certificates or veterinary documents or other documents accompanying a consignment tally with the products comprised in the consignment, carried out in accordance with Article 4(4)(a) of Directive 97/78/EC;

“import” as a noun, means release for free circulation within the meaning of Article 79 of the Customs Code;

“import conditions” in relation to a product, means—

- (a) the conditions laid down for the import of that product in any Directive, Decision or Regulation listed in Schedule 1, including—
 - (i) specific requirements laid down for the import of that product into a particular member State or a particular area of a member State; and
 - (ii) conditions laid down for the import of that product for specific purposes;
- (b) the conditions laid down for the import of that product in any Decision listed in Schedule 2;
- (c) the conditions as to the country of origin of the product as laid down in any list of the third countries or parts of third countries from which imports of specified products are permitted and drawn up under paragraph 1 of Article 11 of Regulation (EC) No.854/2004; and
- (d) the conditions as to the establishment of origin of the product as laid down in any list of establishments from which imports of specified products are permitted and drawn up under paragraph 1 of Article 12 of Regulation (EC) No.854/2004 (laying down specific rules for the organisation of official controls on products of animal origin intended for human consumption)⁽⁹⁾

“non-conforming product” means a product which does not comply with the import conditions;

“official veterinary surgeon” means a veterinarian appointed by the Department in accordance with regulation 6(1)(a);

“operator” means—

- (a) in relation to a border inspection post, the person who provides premises and other facilities for the carrying out of veterinary checks at that border inspection post; and
- (b) in relation to a Community establishment of origin, or a destination establishment, the person who occupies the same for the purposes of his business;

“owner”, in relation to a product, consignment or part of a consignment, means the person in whom the property in the product, consignment or part is for the time being vested;

“part consignment” means a consignment which has been split up into parts in accordance with Article 5 of Regulation (EC) No.136/2004;

⁽⁹⁾ O.J. No. L139, 30.04.2004,p.206, as amended by Corrigendum to Regulation (EC) No.854/2004 (O.J. No.L226, 25.06.2004, p.83)

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to *The Products of Animal Origin (Third Country Imports) Regulations (Northern Ireland) 2007*. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

“person appearing to have charge” of a product, consignment or part consignment means any person, including a carrier, who appears to have possession, custody or control of the product, consignment or part consignment;

“person responsible for” in relation to a product, consignment, or part consignment is a person construed in accordance with regulation 3;

“physical check” means a check on the product itself (which may include checks on packaging and temperature and also sampling and laboratory testing) carried out in accordance with Article 4(4)(b) of, and Annex III to, Directive 97/78/EC and in the case of laboratory testing, Annex II to Regulation (EC) No. 136/2004;

“premises” includes any construction, installation, container or means of transport;

“product” means—

- (a) any product of animal origin listed in the Annex to Commission Decision 2002/349/EC (laying down the list of products to be examined at border inspection posts under Council Directive 97/78/EC)(10);
- (b) hay; and
- (c) straw,

but does not include composite food products as specified in Article 3 of Commission Decision 2002/349/EC;

“Regulation (EC) No. 1774/2002” means Regulation (EC) No. 1774/2002 of the European Parliament and of the Council (laying down health rules concerning animal by-products not intended for human consumption)(11);

“Regulation (EC) No. 136/2004” means Commission Regulation (EC) No. 136/2004 (laying down procedures for veterinary checks at Community border inspection posts on products imported from third countries)(12);

“regulatory functions” means the functions assigned by these Regulations to authorised officers, official veterinary surgeons and assistants appointed under regulation 6;

“relevant document” in relation to any product means any required document and any other veterinary, commercial or other certificate or document relating to the product, including the manifest of any sea-going vessel or aircraft;

“the relevant territories” means an area comprising the territories of the member States, as listed in Annex I to Directive 97/78/EC, the Republic of Iceland and the Kingdom of Norway (except Svalbard), the Principality of Andorra, the Faroe Islands and the Republic of San Marino;

“required document” in relation to any product means any original veterinary certificate, original veterinary document or other original document required in relation to the product by virtue of any Directive, Decision or Regulation listed in Schedule 1;

“returned product” means a product originally exported from the customs territory of the Community which is returned there because it has been refused by a third country;

“ships’ store” means closed premises referred to in Article 13(1)(c), or a specially approved warehouse referred to in Article 13(2)(a), of Directive 97/78/EC;

“straw” means any green cereal which has been dried either naturally or artificially and includes any product (other than grain) which is obtained by drying any green cereal;

(10) O.J. No. L121, 8.5.2002, p. 6, as read with Commission Regulations (EC) No. 136/2004 (O.J. No. L21, 28.1.2004, p.11) and (EC) No. 745/2004 (O.J. No. L122, 26.4.2004, p.1)

(11) O.J. No. L273, 10.10.2002, p.1, as amended by Commission Regulation (EC) No. 208/2006 (O.J. No.L 36, 8.2.2006, p.25), and as read with Commission Regulations (EC) No. 811/2003, 812/2003 and 813/2003 (O.J. No. L117, 13.5.2003, p.14, p. 19 and p. 22), Commission Decisions 2003/320/EC, 2003/321/EC, 2003/326/EC and 2003/327/EC (O.J. No. L117, 13.5.2003, p. 24, p.30, p.42 and p.44), Commission Regulation (EC) No. 780/2004 (O.J. No. L123, 27.4.2004, p.64)

(12) O.J. No. L21, 28.1.2004, p.11

“third country” means a country not comprised in the relevant territories;

“transhipped product” means an Article 9 product which is transhipped or unloaded in the way described (in relation to consignments) in Article 9(1) of Directive 97/78/EC at its border post of introduction;

“transit” means transit from one third country to another, passing through one or more member States, under the external transit procedure referred to in Articles 91 to 97 of the Customs Code;

“transit product” means a product originating in a third country which, according to the information forwarded in advance referred to in Article 3(3) of Directive 97/78/EC, will undergo transit;

“veterinary check” means any check provided for in Directive 97/78/EC including a documentary check, an identity check and a physical check.

(2) The Interpretation Act (Northern Ireland) 1954⁽¹³⁾ shall apply to these Regulations as it applies to an Act of the Northern Ireland Assembly.

(3) Products brought into Northern Ireland from the Republic of Iceland, other than fishery products, are regarded for the purposes of these Regulations as brought from a third country.

(4) Subject to paragraph (5), for the purposes of these Regulations, a person brings a product into a territory or area if—

- (a) he brings it into that territory or area as its owner;
- (b) he brings it into that territory or area as a carrier; or
- (c) a carrier brings it into that territory or area on that person’s instructions.

(5) A product on board a means of transport operating internationally which is intended for consumption by the crew or passengers of that means of transport is not brought into a territory or area if—

- (a) the product is not unloaded; or
- (b) it is transferred directly from one means of transport operating internationally to another at the same port or airport and under supervision, within the meaning of Article 4(13) of the Customs Code, by the Commissioners.

(6) Any reference in these Regulations to a Community instrument is a reference to that instrument as amended on the date on which these Regulations are made.

Person responsible for a consignment **N.I.**

3.—(1) In these Regulations, a reference to “person responsible for”, in relation to a product, consignment or part consignment is construed in accordance with the following paragraphs.

(2) Until—

- (a) the product, consignment or part consignment first arrives at a border inspection post in Northern Ireland; or
- (b) in the case of an Article 9 product, or a consignment or part consignment of Article 9 products, until it arrives at a border inspection post of destination in Northern Ireland,

the person responsible for the product, consignment or part consignment is the person specified in paragraph (3).

(3) The person referred to in paragraph (2) is—

- (a) the person referred to in Article 38(1) of the Customs Code who brings the product, consignment or part consignment into the customs territory of the Community;

⁽¹³⁾ 1954 c.33 (N.I.)

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Products of Animal Origin (Third Country Imports) Regulations (Northern Ireland) 2007. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- (b) the person referred to in Article 38(2) of the Customs Code who assumes responsibility for the carriage of the product, consignment or part consignment after it has been brought into the customs territory of the Community; or
 - (c) a person in whose name the persons referred to in sub-paragraph (a) and (b) acted.
- (4) From the time—
- (a) the product, consignment or part consignment first arrives at a border inspection post in Northern Ireland until it leaves that border inspection post; or,
 - (b) in the case of an Article 9 product, or a consignment or part consignment of Article 9 products, from the time it arrives at a border inspection post of destination in Northern Ireland, until it leaves that border inspection post of destination,

the person responsible for the product, consignment or part consignment is the person specified in paragraph (5).

- (5) The person referred to in paragraph (4) is—
- (a) the person in whose name the persons referred to in paragraph (3)(a) and (b) acted;
 - (b) if the product, consignment or part consignment is in temporary storage, as referred to in Article 50 of the Customs Code, the person referred to in Article 51(2) of the Customs Code who holds it in temporary storage; or
 - (c) if—
 - (i) the person referred to in sub-paragraph (a) and (b), has appointed a representative in his dealings with the customs authorities, within the meaning of Article 5 of the Customs Code, and
 - (ii) the representative is given or assumes responsibility for ensuring that the product, consignment or part consignment undergoes veterinary checks, that representative.
- (6) After—
- (a) the product, consignment or part consignment leaves a border inspection post referred to in paragraph 4 (a); or
 - (b) in the case of an Article 9 product, or a consignment or part consignment of Article 9 products, after it leaves the border inspection post of destination,

the person responsible for the product, consignment or part consignment is the person specified in paragraph (7).

- (7) The person referred to in paragraph (6) is—
- (a) the person who made a customs declaration, within the meaning of Article 64 of the Customs Code, covering the product, consignment or part consignment; or
 - (b) if no such customs declaration has yet been made, the person capable of making it;

Exemption for authorised products and personal imports **N.I.**

4.—(1) Parts 3 to 9 do not apply to products brought into Northern Ireland from a third country with the previous written authorisation of the Department as trade samples, for exhibition, or for particular studies or analyses.

(2) The Department's authorisation shall be in writing, may be made subject to conditions, and may be amended, suspended or revoked in writing at any time.

(3) No person shall use a product to which the exemption in paragraph (1) applies for the purpose for which it has not been authorised, or contravene any condition referred to in paragraph (2) or contravene any other condition of the Department's authorisation in relation to such a product.

(4) In the case of products brought for exhibition or studies and any quantities of products brought for analyses that remain following those analyses, the person who brought them shall redispach them to a third country or dispose of them as if they were Category 1 material under Regulation (EC) No.1774/2002 in facilities provided for that purpose nearest to the location of the products, within six months of their introduction, unless the Department has specified a different time limit as a condition of the authorisation, in which case he shall redispach or dispose of them before the expiry of that different time limit.

(5) Where an authorised officer considers that there has been a breach of paragraph (3)(a) or (4) in relation to a product, he shall by notice in writing served on the person appearing to him to have charge of that product, take charge of it and either—

- (a) redispach it, by the mode of transport by which it was first brought into the relevant territories, to a destination located in a third country, agreed with the owner, (in the circumstances described in regulation 24(1)(a), (b) and (c), or with the person responsible for the consignment, (in the circumstances described in regulation (1)(d)), within a period of 60 days commencing with the day following the service of the notice; or
- (b) dispose of it as if it were Category 1 material under Regulation (EC) No. 1774/2002 in the facilities provided for that purpose nearest to the place at which the authorised officer or veterinary surgeon takes charge of it.

(6) Where an authorised officer considers that there has been a breach of paragraph (3)(b) in relation to a product, he may by notice in writing served on the person appearing to him to have charge of that product, take charge of it and take either of the steps specified in paragraph (5)(a) and (b).

(7) Part 3, with the exception of regulation 25, and Parts 4 to 9 shall not apply to—

- (a) powdered infant milk, infant food, or special foods required for medical reasons containing meat, meat products, milk, or milk products brought into Northern Ireland from a third country if they —
 - (i) are carried in the personal luggage of a traveller and are intended for his personal use or consumption, or for the use or consumption of a member of his family taking into account the nature of the product and the quantity of it that could reasonably be consumed by an individual;
 - (ii) do not require refrigeration before opening;
 - (iii) are packaged proprietary brand products for direct sale to the final consumer; and
 - (iv) are contained in unbroken packaging, unless they are in current use;
- (b) meat, meat products, milk and milk products from the Faeroe Islands, Greenland, the Republic of Iceland, Liechtenstein or Switzerland brought into Northern Ireland from a third country if they—
 - (i) are carried in the personal luggage of a traveller, or are sent by post or carrier (otherwise than by way of trade or as a trade sample) and are addressed to a private individual in Northern Ireland;
 - (ii) are intended for the personal use or consumption of the traveller or the addressee; and
 - (iii) their combined total weight in any traveller’s personal luggage or in any consignment sent by post or carrier to a private individual does not exceed five kilograms;
- (c) products brought into Northern Ireland in the personal luggage of a traveller if they are intended for his personal consumption or which are sent by post or carrier (otherwise than by way of trade or as a trade sample) and addressed to a private individual in Northern Ireland if they are intended for his personal consumption, and if they—
 - (i) are not meat, meat products, milk or milk products;

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Products of Animal Origin (Third Country Imports) Regulations (Northern Ireland) 2007. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)

- (ii) do not exceed one kilogram in weight;
- (iii) either come from a third country or part of a third country that appears on a list of third countries or parts of third countries established by an instrument listed in Schedule 1 from which importation of the products concerned is permitted;
- (iv) do not come from a third country or part of a third country from which importation of the products concerned is prohibited by any instrument listed in Schedule 1.

(8) In this regulation “meat”, “meat products”, “milk” and “milk products” mean products of those types listed in sections 01 - 04 under the heading 1.2, Title I in the Annex to Commission Decision [2002/349/EC](#).

Changes to legislation:

There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Products of Animal Origin (Third Country Imports) Regulations (Northern Ireland) 2007. Any changes that have already been made by the team appear in the content and are referenced with annotations.

[View outstanding changes](#)

Changes and effects yet to be applied to :

- Regulations revoked by [S.R. 2011/438 reg. 42\(1\)\(d\)](#)

Changes and effects yet to be applied to the whole Rule associated Parts and Chapters:

Whole provisions yet to be inserted into this Rule (including any effects on those provisions):

- Sch. 1 Pt. 8(3) substituted by [S.R. 2011/124 Sch. 2 reg. 27\(36\)](#)
- Sch. 1 Pt. 7 para. 5 revoked by [S.R. 2011/124 Sch. 3 reg. 28](#)
- Sch. 1 Pt. 7 para. 6 revoked by [S.R. 2011/124 Sch. 3 reg. 28](#)
- reg. 2(1)(b)(iv) word substituted by [S.R. 2009/130 reg. 3\(2\)](#)